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RUEKJCS/SECDEF WASHINGTON DC IMMEDIATE

UNCLAS SECTION 01 OF 03 STATE 125451

SENSITIVE
SIPDIS

E.O. 12958: N/A
TAGS: [KTIA](#) [MARR](#) [MOPS](#) [PREL](#) [US](#)
SUBJECT: STATUS OF FORCES AGREEMENT WITH THE CENTRAL
AFRICAN REPUBLIC

¶1. THIS IS AN ACTION REQUEST. SEE PARAGRAPHS 2, 5, AND 6.

¶2. DOD has asked the Department to secure status protections for U.S. DOD military and civilian personnel who will be present in the CAR in conjunction with engineering related cooperation activities, medical assessments, humanitarian related initiatives and munitions management cooperative efforts (Defense Threat Reduction Agency, DTRA). Assessment, training, and other cooperative engagements will occur in conjunction with host nation authorities. Post is requested to immediately propose to the Government of the Central African Republic an exchange of diplomatic notes for this purpose, using the text in paragraph 3. To avoid the exchange of multiple notes, post should present the below note in a draft format and send a final note only after reaching an agreement on the text.

¶3. BEGIN TEXT OF DRAFT NOTE:

(Complimentary Opening) and has the honor to refer to recent discussions between representatives of our two Governments regarding issues related to United States military and civilian personnel (defined as members of the United States Armed Forces and civilian employees of the United States Department of Defense, respectively, hereafter referred to collectively as United States personnel) and United States contractors (defined as non-Central African Republic companies and firms, and their employees who are not nationals of the Central African Republic, under contract to the United States Department of Defense) who may be temporarily present in the Central African Republic in connection with mutually agreed activities including, for example, ship visits, training, exercises, and humanitarian activities.

As a result of these discussions, the Embassy proposes that United States personnel be accorded the privileges, exemptions, and immunities equivalent to those accorded to the administrative and technical staff of a diplomatic mission under the Vienna Convention on Diplomatic Relations of April 18, 1961; that United States personnel may enter and exit the Central African Republic with United States identification and with collective movement or individual travel orders; that the Central African Republic shall accept as valid all professional licenses issued by the United States, States thereof or their political subdivisions to United States personnel for the provision of services to authorized personnel; and that the Central African Republic authorities shall accept as valid, without a driving test or fee, driving licenses or permits issued by the appropriate United States authorities to United States personnel for the operation of vehicles. The Embassy further proposes that United States personnel be authorized to wear uniforms while performing official duties and to carry arms while on duty if authorized to do so by their orders.

The Government of the Central African Republic recognizes the particular importance of disciplinary control by United

States Armed Forces authorities over United States personnel and, therefore, authorizes the Government of the United States to exercise criminal jurisdiction over United States military personnel while in the Central African Republic.

The Embassy further proposes that the United States Department of Defense and United States personnel shall not be liable to pay any tax or similar charge assessed within the Central African Republic and that the United States Department of Defense and United States personnel may import into, export out of, and use in the Central African Republic any personal property, equipment, supplies, materiel, technology, training, or services in connection with activities under this Agreement. Such importation, exportation, and use shall be exempt from any inspection, license, other restrictions, customs duties, taxes, or any other charges assessed within the Central African Republic. The Governments of the United States of America and the Central African Republic shall cooperate to take such measures as may be necessary to ensure the security and protection of United States personnel, property, equipment, records, and official information in the Central African Republic.

The Embassy proposes that vessels and vehicles operated by or, at the time, exclusively for the United States Department

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of Defense may enter, exit, and move freely within the territory of the Central African Republic, and that such vehicles (whether self-propelled or towed) shall not be subject to the payment of overland transit tolls. Vessels and aircraft owned or operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to the payment of landing, parking, or port fees, pilotage charges, lighterage, and harbor dues at facilities owned and operated by the Government of the Central African Republic. Aircraft owned and operated by or, at the time, exclusively for the United States Department of Defense shall not be subject to payment of navigation, overflight, terminal, or similar charges when in the territory of the Central African Republic. The United States Department of Defense shall pay reasonable charges for services requested and received at rates no less favorable than those paid by the Armed Forces of the Central African Republic less taxes and similar charges. Aircraft and vessels of the United States Government shall be free from boarding and inspection.

The Embassy also proposes that the United States Department of Defense may contract for any materiel, supplies, equipment, and services (including construction) to be furnished or undertaken in Central African Republic without restriction as to choice of contractor, supplier, or person who provides such materiel, supplies, equipment, or services. Such contracts shall be solicited, awarded, and administered in accordance with the laws and regulations of the Government of the United States of America.

Acquisition of articles and services in the Central African Republic by or on behalf of the United States Department of Defense in connection with activities under this Agreement shall not be subject to any taxes or similar charges in the Central African Republic.

The Embassy further proposes that United States contractors shall not be liable to pay any tax or similar charge assessed within the Central African Republic in connection with activities under this Agreement and that such contractors may import into, export out of, and use in the Central African Republic any personal property, equipment, supplies, materiel, technology, training, or services in fulfillment of contracts with the United States Department of Defense in connection with activities under this Agreement. Such importation, exportation, and use shall be exempt from any license, other restrictions, customs duties, taxes, or any

other charges assessed within the Central African Republic.

The Embassy proposes that United States contractors shall be granted the same treatment as United States personnel with respect to professional and drivers, licenses.

The Embassy proposes that United States personnel shall have freedom of movement and access to and use of mutually agreed transportation, storage, training, and other facilities required in connection with activities under this Agreement.

The Government of the Central African Republic recognizes that it may be necessary for the United States Armed Forces to use the radio spectrum. The United States Department of Defense shall be allowed to operate its own telecommunication systems (as telecommunication is defined in the 1992 Constitution and Convention of the International Telecommunication Union). This shall include the right to utilize such means and services as required to ensure full ability to operate telecommunication systems, and the right to use all necessary radio spectrum for this purpose. Use of the radio spectrum shall be free of cost to the United States Government.

Further, the Embassy proposes that the Parties waive any and all claims (other than contractual claims) against each other for damage to, loss, or destruction of the other's property or injury or death to personnel of either Party, s armed forces or their civilian personnel arising out of the performance of their official duties in connection with activities under this Agreement. Claims by third parties for damages or loss caused by United States personnel shall be resolved by the United States Government in accordance with United States laws and regulations.

Finally, the Embassy proposes further that our two governments, or their designated representatives, may enter into implementing arrangements to carry out the provisions of this Agreement.

If the foregoing is acceptable to the Government of the Central African Republic, the Embassy proposes that this

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note, together with the Ministry's reply to that effect, shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's reply.

(Complimentary Closing)

END TEXT.

14. (U) The suggested reply of the Government of the Central African Republic should read as follows:

BEGIN TEXT:

(Complementary Opening) and refers to the Embassy, s note (number and date) which reads as follows:

(QUOTE U.S. NOTE IN ITS ENTIRETY).

The Ministry of Foreign Relations has the honor to inform the Embassy of the United States of American that the proposals set forth in the Embassy, s note are acceptable to the Government of the Central African Republic and to confirm that the Embassy, s note and this note shall constitute an agreement between the two governments, which shall enter into force on date of this note.

END TEXT.

15. (U) ANY HOST COUNTRY PROPOSAL FOR CHANGES TO THE U.S. TEXT SHOULD BE REFERRED TO THE DEPARTMENT. STATE POCS ARE GENEVIEVE MCKEEL, AF/C, 202-647-2973, OR CDR MARC GUARIN,

L/PM, 202-647-7563. THE DEPARTMENT OF DEFENSE POCS ARE LT COL STEVE HUGHES, OSD-P/ISA/AFR, 703-571-9426, AND ANDREW MUELLER, OSD-P/SPF/INTL AGREEMENTS, 703-692-3902.

16. (U) UPON CONCLUSION OF THE EXCHANGE OF NOTES, EMBASSY SHOULD REPORT THE AGREEMENT BY CABLE, AND SEND THE ORIGINAL HOST COUNTRY NOTE WITH A CERTIFIED COPY OF THE U.S. NOTE TO THE DEPARTMENT, L/T, ROOM 5420 (ATTN: DAPHNE COOK).
CLINTON